

DISCRIMINATORY CITIZENSHIP LEGISLATION AND MIGRATION:
THE CASES OF MYANMAR AND INDIA

by
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Abstract

International migration is an intersectional issue that has garnered significant attention in recent years. South Asia has seen several migratory flows over the span of several decades, with the possibility of more on the horizon. Understanding the causes of migration as a result of loss of citizenship will assist in formulating responses to their effects. The Rohingya have been persecuted by the government of Myanmar for decades, as they are deemed non-citizens, and in 2017, over 700,000 Rohingya fled Myanmar in search of refuge. In 2019, India's parliament passed the Citizenship Amendment Act and implemented the National Register of Citizens in Assam. Both of these documents stand to revoke the citizenship of millions of Muslims in India and could lead to a mass migratory flow as a result.

This research study examines the relationship between discriminatory citizenship legislation and migration in South Asia. Myanmar and India were used as case studies to explore the relationship more deeply, focusing on the Rohingya and Muslim populations in the respective countries. I found that while there is an active relationship between discriminatory citizenship legislation and migration in both countries, the relationship is not conclusively causative, meaning that the legislation does not necessarily determine migration. Deeply rooted prejudices toward Muslims in both countries is a critical factor within the relationship.

This research contributes to the literature on migration by adding specific insights into an aspect of the field of migration that has yet to be studied in-depth. It engages with

research in migration, citizenship, and statelessness and fills the gaps of the scholarly discourse by integrating all three into one study.

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Table of Contents

Abstract	ii
List of Figures	v
Introduction	1
Literature Review	3
Terms Defined	3
Human Rights and Citizenship	7
Citizenship and Discrimination	9
Statelessness and the State	11
Migration	13
Conclusion	16
Methods	16
Data	17
Case 1: Myanmar	18
Case 2: India	23
Discussion	28
Explanation of Results	28
Possible Alternative Explanations	30
Significance of Findings	31
Unanswered Questions	32
Conclusion	33
Bibliography	35
Curriculum Vita	43

List of Figures

Figure 1: Everett Lee's Origin and Destination Factors and Intervening Obstacles in Migration.

Chart by Everett Lee 15

Figure 2: Map of Rohingya Migration Flows Throughout South Asia.

Map by Sahana Mehebab, Selim Jahangir, and MD Anisujjama 21

Introduction

The wave of nationalism sweeping across the globe in recent years has led to an increase in violence and discrimination. While ethnic tensions and conflicts created by differences in identity are not new phenomena, their potential to impact migration flows deserve recognition and further study. This study incorporates several aspects of international relations and international security that may emerge as trends in the coming years.

South Asia is an environment beset with tension and hostility due to differing ideologies and identities. Discriminatory legislation and the practices of several governments in South Asia can negatively impact an overwrought region of the world. In January 2017, the National Intelligence Council published its report, *Global Trends: Paradox of Progress*, in which it discusses potential international trends for the future¹. One trend that was mentioned throughout the report in the context of other topics was migration. The report notes that migration can be a product of climate change, social inequality, or the search for economic opportunity.² This research study focuses on social inequality in the form of discriminatory citizenship legislation.

This study attempts to assess whether there is a relationship between discriminatory citizenship legislation and migration. Considerable research has been conducted over the years on both topics. However, there is a noticeable gap in the literature on the nexus between the two. The aspect of migration that this research study considers is migration as a result of an individual becoming stateless because of the denial of citizenship by the state. The relationship between discriminatory citizenship

¹ U.S. National Intelligence Council. *Global Trends Paradox of Progress* (January 2017), p. 6, <https://www.dni.gov/files/documents/nic/GT-Full-Report.pdf>.

² Ibid, 21, 104, 163.

legislation and migration is of interest because it puts two global trends into conversation with one another. The denial or revocation of citizenship based on factors such as religion defies international norms on human rights, yet states continue to practice denationalization.

How does discriminatory citizenship legislation affect migration? The reason as to why a relationship between discriminatory citizenship legislation and migration may exist is bound in logic. If an individual, by law of their state of residence, revokes or denies citizenship, that individual will be stateless. Without legal belonging to a state, the individual can either remain in the state illegally and risk punitive measures or migrate to find a new residence. The discriminatory aspect of the citizenship legislation suggests that if a stateless individual remains in the state that refuses to recognize them as a citizen, they are vulnerable to persecution because they lack protection from the state.

Time and again it is observed that the rights and freedoms that everyone is entitled to, according to the United Nations' Universal Declaration of Human Rights³, are not granted by their governments. India and Myanmar are two current examples of countries whose governments are actively denying rights, such as the right to citizenship to individuals based on religion. As these situations are currently unfolding, they will be used as the subjects of case studies to be explored in this study. Hopefully, these cases will help uncover whether there is a relationship between discriminatory citizenship legislation and migration.

³ United Nations. *Universal Declaration of Human Rights, Article 2*. 1948. <https://www.un.org/en/universal-declaration-human-rights/>.

Literature Review

Statelessness, deprivation of citizenship, and migration have been widely researched and analyzed by scholars over the years. Though each topic has received scholarly attention, the overlap between these topics could be further explored, especially within a theoretical context. The topic of migration, in particular, and the research surrounding it is significantly fragmented, likely owing to the fact that migration is such a complex and intersectional issue that deserves to be treated as such. The question that this paper concerns itself with - how does discriminatory citizenship legislation affect migration - seeks to bring together the literature and theoretical concepts of each of these topics in an attempt to determine why this relationship may exist. The goal of this literature review is to offer a more succinct and comprehensive approach to these issues. Each of the articles within this literature review touches on discrete aspects of citizenship, migration, and statelessness; however, none fully addresses all three at once. This literature review will address each topic individually and conclude with a summary of how they might come together to conceptualize the themes and theories within the context of the research question.

Terms Defined

The term citizenship has been defined in several ways, pointing to a recurrent theme in the literature to be discussed, a lack of consensus and uniformity. Citizenship has been defined as “a legal status and relation between an individual and a state that entails specific legal rights and duties.”⁴ Citizenship can also be defined as “the legal

⁴ GLOBALCIT. Glossary on Citizenship and Electoral Rights. San Domenico di Fiesole: Global Citizenship Observatory / Robert Schuman Centre for Advanced Studies / European University Institute. (2020). Available at: <https://globalcit.eu/glossary/>

status of belonging.”⁵ The term has also been used in the place of nationality.⁶ Though citizenship and nationality are often used interchangeably in academic and professional circles, there is a distinct difference between the two. The primary difference is that citizenship is belonging to a *state*, while nationality means that a person belongs to a *nation* or a particular ethnicity. Other scholars view citizenship as a mechanism for belonging and excluding people deemed as “other.”⁷

When discussing citizenship, statelessness enters the discussion. There are several types of statelessness that the literature explores. The United Nations’ Convention relating to the Status of Stateless Persons defines a stateless individual as a person “who is not considered as a national by any state under the operation of its law.”⁸ Within the broad term of “statelessness,” there are two sub-definitions. The first is *de jure* statelessness, which describes a person considered legally stateless because they are not identified as citizens in accordance with the laws of any state.⁹ A *de facto* stateless individual is one who is stateless because they are unable to live within the borders of the country of their nationality and cannot access protection by the country of their nationality.¹⁰ *De facto* statelessness is of concern, as it can lead to forced migration in the

⁵ Archana Parashar, and Jobair Alam. 2019. “The National Laws of Myanmar: Making of Statelessness for the Rohingya.” *International Migration* 57 (1): 94–108. doi:10.1111/imig.12532.

⁶ Mahbubul Md. Haque “Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma.” *Journal of Muslim Minority Affairs* 37, no. 4 (2017): 454-469. <https://doi.org/10.1080/13602004.2017.1399600>

⁷ Rainer Bauböck. “Citizenship and Migration – Concepts and Controversies.” In *Migration and Citizenship: Legal Status, Rights and Political Participation*, edited by Bauböck Rainer, 15-32. Amsterdam: Amsterdam University Press, 2006. doi:10.2307/j.ctt46mvkf.6

⁸ United Nations High Commissioner for Refugees. “Convention Relating to the Status of Stateless Persons.” (1954): 6. https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf

⁹ United States Department of State. “Statelessness.” *Bureau of Population, Refugees, and Migration*. (2020). <https://www.state.gov/other-policy-issues/statelessness/#:~:text=While%20some%20people%20are%20de,the%20laws%20of%20one%20or>

¹⁰ Hugh Massey. “UNHCR and *De Facto* Statelessness.” Legal and Protection Policy Research Series. (April 2010): 61.

case of rights abuses perpetrated by a government at a constituency of citizens.¹¹ Though both types of statelessness are important to address, there is an emphasis on *de facto* statelessness in the literature. This study will help fill the gap on *de jure* statelessness.

Determining the difference between migration and immigration is also of significant importance to this study. According to the International Organization for Migration, immigration is the movement of individuals to a country outside of their nationality or place of residence, which then becomes their country of residence.¹² Though acutely similar in definition to immigration, migration is the movement of individuals within or outside of the borders of their place of residence.¹³ The subtle differences between the two terms warrant further discussion. In the case of immigration, once arriving at their destination, the individuals moving are permanently established in their location. However, migration concerns the movement of individuals for a fixed amount of time, such as seasonally or until a conflict subsides. Often, when researching the literature on migration issues, results will present studies focusing on immigration policy with a domestic agenda.¹⁴ This is a flaw not only in the literature of migration, but also in the field as it can detract from more nuanced discussions of migration.

Based on the previously mentioned definitions of citizenship, there is a distinct difference between citizenship and statelessness. Though the two terms are different in

¹¹ Brad K. Blitz. 2006. "Statelessness and the Social (De)Construction of Citizenship: Political Restructuring and Ethnic Discrimination in Slovenia." *Journal of Human Rights* 5, no. 4 (2006): 453. doi:10.1080/14754830600978257.

¹² International Organization for Migration. "Key Migration Terms." *Immigration*. (2020). <https://www.iom.int/key-migration-terms>

¹³ International Organization for Migration. "Key Migration Terms." *Migration*. (2020). <https://www.iom.int/key-migration-terms>

¹⁴ Lucy Pedroza. Report. German Institute of Global and Area Studies (GIGA), (April 2020): 6. Accessed December 1, 2020. doi:10.2307/resrep24820.

nature, they interact with one another on a practical level. Statelessness can be viewed as the result of a denial or a lack of citizenship. Citizenship is the legal mechanism through which individuals can enjoy the rights afforded by the state.

Two additional terms that require definition and distinction are migrant and refugee. As defined by the United Nations High Commissioner for Refugees, refugees are individuals who

“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”¹⁵

For the definition of migrant, there is no internationally established legal meaning.¹⁶ A general definition that is widely used is an individual who relocates to a destination, either within or outside of the borders of their permanent residence.¹⁷ The reasons for migration are varied and the length of absence from usual residence can be either short or long term. Establishing a distinction between migrant and refugee is of high importance, since as with the other terms mentioned, they are often used interchangeably with one another, though this could lead to an incorrect understanding of an individual’s status and situation.

Human Rights and Citizenship

¹⁵ United Nations High Commissioner for Refugees. “Convention and Protocol Relating to the Status of Refugees.” United Nations. (1951): 14. <https://www.unhcr.org/en-us/3b66c2aa10>.

¹⁶ International Organization for Migration. “Who is a Migrant?” *Migration*. (2020). <https://www.iom.int/who-is-a-migrant>; United Nations, Department of Economic and Social Affairs. “Definitions.” *Resources*. (2020).

<https://refugeesmigrants.un.org/definitions#:~:text=key%20refugee%20definitions-Migrant,for%20migration%20or%20legal%20status>.

¹⁷ International Organization for Migration. “Key Migration Terms.” *Migrant*. (2020). <https://www.iom.int/key-migration-terms>

Several scholars studying the nexus between migration and citizenship frame the relationship between human rights, migration, and citizenship legislation through a human rights theoretical lens. A human rights approach to migration and citizenship is an unsurprising framework to employ, given that forced migration is considered a humanitarian issue.¹⁸ Jean Carmalt introduces the idea of “critical geographies” to discuss human rights and the violation of international human rights law with a specific focus on Myanmar. In a field that is so often broken into separate areas of inquiry, Carmalt brings several topics together and offers a theoretical framework to do so. According to Carmalt, “critical geographies of human rights” is law, society, geography, and injustice coming together within the larger conversation of geography and human rights.¹⁹ Carmalt further suggests that putting these topics in conversation with one another could help build a more in-depth understanding of the relationship between and practice of human rights and geography.²⁰ Though the idea of geography as used by Carmalt is not migration, her approach to combining these topics builds a broader understanding of the complexities that surround human rights and law. Additionally, the term “human rights” is used by Carmalt to exemplify violations and the denial of citizenship to Rohingya in Myanmar. The interchangeability of terminology used by Carmalt demonstrates the lack of consensus and complexity in discussing human rights, citizenship, and migration.

Another scholar who discusses human rights within a theoretical context is Bandana Purkayastha. Acknowledging the fragmented nature of the study of migration,

¹⁸ Alex Braithwaite, Salehyan Idean, and Savun Burcu. “Refugees, Forced Migration, and Conflict: Introduction to the Special Issue.” *Journal of Peace Research* 56, no. 1 (January 2019): 5. <https://doi.org/10.1177/0022343318814128>.

¹⁹ Jean Connolly Carmalt. “Critical Geographies of Human Rights and the Spatial Dimensions of International Law Violations in Rakhine State, Myanmar.” *Annals of the American Association of Geographers* 109, no. 6 (May 2019): 1829. <https://doi.org/10.1080/24694452.2019.1570839>

²⁰ Ibid, 1830

Purkayastha introduces a framework that integrates the different aspects of migration (international, internal, and forced migration) with the literature on human rights to arrive at a framework focused on issues of human security for migrants.²¹ Similar to Carmalt, Purkayastha recognizes the need for intersectionality in the discussion of social structures. However, Purkayastha departs from the notion that a purely human rights framework is adequate enough to understand migration and migrants themselves. Instead, Purkayastha introduces a human security model primarily concerned with migrants and their experiences and moves away from the nation-state²² which is a prominent point of discussion in the citizenship literature. Taking into account the experience of migrants offers a more nuanced understanding of the effects of migration. As this paper's goal is to contextualize and understand how the deprivation of citizenship, a violation of human rights, is related to migration, it is important to understand how these ideas have been traditionally discussed.

Though Carmalt and Purkayastha both recognize the importance of incorporating human rights into the conversation of migration, citizenship, law, and geography, they differ on the extent to which it should be included in broader theoretical frameworks. Both offer promise, however, in their acknowledgement of the fragmented literature and the need to address the intersectionality of these topics. Both works set the stage for further analyses and discourse within the field that focus more on the interconnected relationship between topics.

Citizenship and Discrimination

²¹ Bandana Purkayastha. "Migration, Migrants, and Human Security." *Current Sociology* 66, no. 2 (March 2018): 171. <https://doi.org/10.1177/0011392117736302>.

²² Ibid, 169

The Journal of Ethnic and Migration Studies recently published a Special Issue on discrimination and citizenship, with close attention to stratification and status. In this Special Issue, several scholars explore the various aspects of discrimination and citizenship. One of these scholars is Antje Ellermann. Ellermann presents an empirical and normative approach to migration studies by engaging with ‘the politics of belonging’ and citizenship and immigration policy. In her discussion of legal status and immigration, Ellermann states that there can be an element of insecurity that leads to a loss of citizenship status for those considered legal permanent residents of a state and that these insecurities stem from the state’s desire to control immigration.²³ Ellermann additionally incorporates social stratification as a factor in whether an individual is considered for citizenship.²⁴

Also featured in the Special Issue is Matthew Gibney, who examines the history of denationalization: the nonconsensual loss of citizenship and discrimination. Gibney notes that “States have used denationalisation primarily because they wish to cut ties of legal and moral responsibility to a particular citizen (or groups of its citizens) to enable their expulsion or exclusion”²⁵ and that this practice is discriminatory. Gibney discusses denationalization in the context of western immigration laws and ideologies. While Gibney provides a critical account of the involuntary loss of citizenship, he focuses on leading western countries in his analysis of denationalization when examples of

²³ Antje Ellermann. Discrimination in Migration and Citizenship. *Journal of Ethnic and Migration Studies* 46, no.12, (February 2019): 2469, DOI: [10.1080/1369183X.2018.1561053](https://doi.org/10.1080/1369183X.2018.1561053)

²⁴ Ibid, 2472

²⁵ Matthew J. Gibney. Denationalisation and Discrimination. *Journal of Ethnic and Migration Studies* 46, no. 12, (February 2019): 2552, DOI: [10.1080/1369183X.2018.1561065](https://doi.org/10.1080/1369183X.2018.1561065)

denationalization can be found across the globe. His focus on the western world opens a gap in the literature on this particular subject.

Tufyal Choudhury also assesses the removal or withholding of citizenship in the West, similar to Gibney. This research looks specifically at the revocation of citizenship from individuals suspected of involvement with terrorism in the United Kingdom. Similar to Gibney, Choudhury's discussion of citizenship revocation is fixed within the context of immigration laws. Choudhury posits that citizenship, contrary to popular belief, "is not a protected right but a reward for conformity to the bounds of government-defined acceptable behaviour."²⁶ Following 9/11, the United Kingdom began to implement policies that used citizenship as a policy tool. Rather than adhering to the standard way of determining citizenship, which is based on time of residence, the British government instead leveraged "shared British values" as a criterion for gaining and maintaining citizenship.²⁷ The power to deprive a person of their citizenship is at the discretion of the state and is a power that can easily be distorted. Choudhury concludes that the government's use of citizenship deprivation may result in the opposite of the intended goals.²⁸

In both Gibney and Choudhury's articles, there is little discussion of how migration is affected by the denial or revocation of citizenship. Rather, their analyses are based on a reaction to migration in the form of immigration laws. Choudhury posits that

²⁶ Tufyal Choudhury. "The Radicalisation of Citizenship Deprivation." *Critical Social Policy* 37, no. 2 (May 2017): 226. <https://doi.org/10.1177/0261018316684507>.

²⁷ Ibid, 234

²⁸ Ibid, 240

the United Kingdom's immigration laws and the power to remove citizenship were based on how well a person adhered to British values, however they were defined by the state.²⁹

Statelessness and the State

Often, when an individual becomes stateless, the status of statelessness results from the state revoking that individual or a group of individuals' citizenships.

Statelessness has become an increasingly problematic issue in international relations and international security. Individuals finding themselves without legal ties to a state often migrate to another to find belonging, acceptance, and safety.

Statelessness often arises as an issue of discrimination. The Institute on Statelessness and Inclusion conducted a report on Statelessness in 2014 that explored statelessness's discrete aspects. Among the report's findings on the causes of statelessness was that the prevalence of international migration points to the need for legislative safeguards against statelessness.³⁰ The report goes on to discuss the impacts of statelessness on stateless individuals and the international community. For stateless individuals, nationality and citizenship deprivation results in a lack of fundamental rights, including those enumerated in international human rights law.³¹ It is the state's responsibility to ensure that those who live within it are afforded their fundamental rights. However, more often than not, it is the state apparatus that is denying groups their rights.

Gerrard Khan examines the role the state system plays in citizenship and statelessness. Similar to the Institute on Statelessness and Inclusion's report, Khan also finds that statelessness is the product of "narrow and exclusionary citizenship and

²⁹ Ibid, 234

³⁰ The Institute on Statelessness and Inclusion. "Causes of Statelessness." In *The World's Stateless*, 23. Oisterwijk, Netherlands: Wolf Legal Publishers, 2014.

³¹ Ibid, 28

membership policies perpetuated by the region's central authorities ..."³² Khan employs four "membership models" to discuss the organizational structures and relationships between the people, the state, and the political apparatus. Of the four models (corporatist, liberal, statist, and fragmental), Khan posits that the statist membership model, which features a centralized bureaucratic government as the source of power, is the primary issue when it comes to statelessness in South Asia.³³ The centralized bureaucratic government possesses the power to determine who receives citizenship status, and along with citizenship, the right to belong to a state.

However, centralizing the discussion of statelessness and migration around the nation-state is arguably flawed. Alex Sager asserts that placing the state at the forefront of the discussion and research of migration misrepresents the "natural form of social organization and/or reifies it."³⁴ The conceptual framework that centers on the nation-state is called "methodological nationalism." Sager argues that through methodological nationalism, political theorists ignore state deficiencies and fail to recognize other actors' existence or experience within the system.³⁵ The other actors within the system could be citizens, individuals from other countries, and the migrants themselves. A common theme running through the literature of migration, citizenship, and statelessness is the state's centrality. Since the state possesses the authority to grant citizenship or to deny it, it is logical to give attention to the state. However, just as Sager asserts, ignoring the other actors at play can be detrimental to how these issues are discussed and understood.

³² Gerarrd Khan. "Citizenship and Statelessness in South Asia." *Working Paper No. 47*, 1, Tufts University, 2001.

³³ Ibid, 5

³⁴ Alex Sager. "Methodological Nationalism, Migration and Political Theory." *Political Studies* 64, no. 1 (March 2016): 43. <https://doi.org/10.1111/1467-9248.12167>.

³⁵ Ibid, 46

Migration

In a significant portion of the scholarship on migration, the conversation quickly turns to immigration, altering the meaning and understanding of migration. When migration is taken to mean immigration, issues of domestic immigration policy arise. As previously noted, immigration involves the permanent settlement of an individual or a population following movement across state borders. Often, when “citizenship” and “migration” are paired together, the conversation quickly turns toward immigration policy and the legal status of immigrants. Similarly, the discussion of citizenship becomes a discussion of migrant integration. While this is a critical topic to be discussed among policy circles, it is not the focus of this paper. Instead, migration for this research is intended to mean a group's movement with a careful examination of the legislative factors that influence said movement, which is not undergone with the intention of permanent residence.

Migration is an extremely layered and multi-faceted topic. As previously mentioned, the literature on migration is disjointed. The literature on forced migration as viewed through a sociological lens is scant, with few developed theories in existence.³⁶ Understanding the ways in which society functions with particular attention to the human experience can help explain decision-making processes, such as the decision to migrate. Stephen Castles acknowledges this dearth of information and sets out to analyze the theories that exist within “exile, displacement and belonging,” related topics, and methodologies.³⁷ Castle asserts that migration and its effects on society are rooted in the

³⁶ Stephen Castles. “Towards a Sociology of Forced Migration and Social Transformation.” *Sociology* 37, no. 1 (2003): 14.

³⁷ *Ibid*, 14

histories of individual states, leading to an array of often competing schools of thought on migration.³⁸ While it must be noted that Castle's research was conducted over fifteen years ago and may be dated, the variation among states in their approach toward migration will be examined in the subsequent case studies.

Like others, Rainer Bauböck posits that assessing social, organizational structures, and identities is essential in the study of migration.³⁹ Among the actors to be analyzed within the context of migration is the state. Bauböck asserts, "Migration research must be combined with studies of nation-building and nationalism for explaining the persistence of such preferential treatment as well as for evaluating it."⁴⁰ The preferential treatment in question concerns who is afforded citizenship and who is denied. Bauböck's attention to the nation-state comes into conflict with Sager's opinion that methodological nationalism, placing the state at the center of the conversation, is a disservice to migration research.

Within the discussion of migration broadly, there must also be a discussion of the factors that lead an individual to migrate. In 1966, Everett Lee advanced one of the first theories concerning the factors of migration. Lee's push-pull model posits that if the factors that "pull" an individual toward a state other than their place of origin are greater than the reasons to stay, there will likely be migration.⁴¹ Lee further emphasizes that the push and pull factors, that he depicts as "+" and "-" vary from person to person.⁴² The

³⁸ Ibid, 24

³⁹ Rainer Bauböck. "Citizenship and Migration – Concepts and Controversies." In *Migration and Citizenship: Legal Status, Rights and Political Participation*, edited by Bauböck Rainer, 15. Amsterdam: Amsterdam University Press, 2006. Accessed September 18, 2020. doi:10.2307/j.ctt46mvkf.6

⁴⁰ Ibid, 18

⁴¹ P. Krishnakumar, and T. Indumathi. "Pull And Push Factors of Migration." *Global Management Review* 8, no. 4 (2014): 9.

⁴² Lee, Everett S. "A Theory of Migration." *Demography* 3, no. 1 (1966): 47-57. Accessed October 27, 2020. <http://www.jstor.org/stable/2060063>.

below chart depicts Lee's theory in which there are a combination of push and pull factors in both the origin and destination which influence the decision to migrate. Between the origin and destination are "intervening obstacles" that can be physical or otherwise. These obstacles can affect migration even after the decision to move is made.

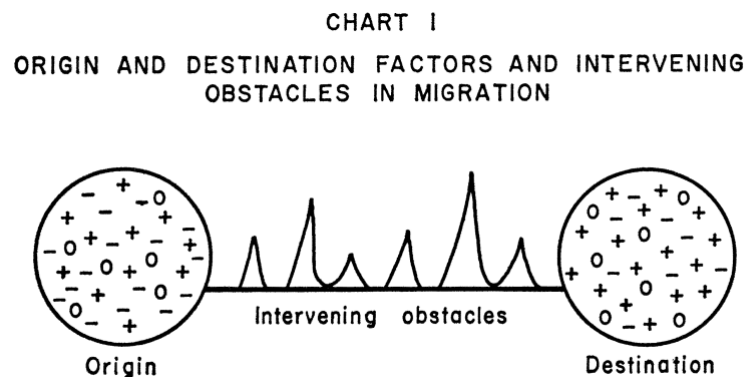


Figure 1: Lee's Push-Pull Theory⁴³

A great deal of the literature focused on push and pull factors of migration apply Lee's theory to specific cases of migration. Nguyen Dinh Tan, Nguyen Canh Toan, and Dang Anh Tuyet echo that "push-pull" factors are the drivers for migration and work in conjunction rather than as separate determinants.⁴⁴ While it is logical that a combination of the factors would result in migration, it has been found that pull factors more heavily influence migration. Naresh Kumar and A.S. Sidhu found that both push and pull factors influence migration in their study of labor migration in Punjab. However, they also note that pull factors are a more significant determinant for inter-state migration.⁴⁵ Based on

⁴³ Everett S. Lee. "A Theory of Migration." *Demography* 3, no. 1 (1966): 51.
<http://www.jstor.org/stable/2060063>.

⁴⁴ Nguyen Dinh Tan, Nguyen Canh Toan, and Dang Anh Tuyet. 2019. "The Push-Pull Factors in the Study of the Ethnic Minority's Migration of Vietnam." *Administrative Consulting* 126 (6): 114–20.
doi:10.22394/1726-1139-2019-6-114-120.

⁴⁵ Kumar, Naresh, and A. S. Sidhu. "Pull and Push Factors in Labour Migration: A Study of Brick-Kiln Workers in Punjab." *Indian Journal of Industrial Relations* 41, no. 2 (2005): 221-32. Accessed October 27, 2020. <http://www.jstor.org/stable/27768009>.

the literature, the hope for a better quality of life in the destination supersedes the desire to remain. This study hopes to add to the existing literature by focusing primarily on push factors, as there appears to be a gap on the topic.

Conclusion

As the literature demonstrates, the topics discussed in this study are intersectional and bear heavily on one another. However, many of these issues scholars in one field raised were not acknowledged by scholars of another, despite being related. A common theme that ran throughout the literature was the sociological approach that many scholars took. Out of migration, citizenship, and statelessness, migration was the least theoretically developed and unified topic. Still to be determined in the literature is what happens when a denial of citizenship leads to statelessness and, ultimately, migration. The flow of A to B to C has not been directly addressed in academic circles. However, an in-depth look at how these three topics are related would be of service as nationalistic legislation continues to be enacted, and identity politics continue to take precedence.

Based on the existing literature, this paper will examine the phenomenon of discriminatory citizenship legislation and its relationship with migration. Two case studies exploring the effects of citizenship legislation and whether they influenced migratory patterns will follow. The two countries to be evaluated in the case studies will be Myanmar and India.

Methods

The main point of inquiry for this study is to ascertain, in the following case studies, if statelessness occurred in response to discriminatory citizenship legislation. If statelessness did occur, what were the conditions and was there migration? Case studies were chosen as the method of research since this study is exploratory in nature. Case

studies provide the opportunity for a detailed account of the facts from a variety of angles. The two countries chosen, Myanmar and India were selected for several reasons. Myanmar represents a clear example of a discriminated group migrating elsewhere, though the reasons as to why will be carefully examined. India, another recent case, is ongoing and presents the opportunity to look into the future and ponder the implications of discriminatory legislation.

The following case studies will seek to test the hypothesis that discriminatory citizenship legislation impacts migration, since a lack of citizenship renders an individual stateless. If the hypothesis is correct, then the cases will show a positive connection between migration and discriminatory citizenship legislation. Should other factors also emerge as migratory decisions, in addition to migration, the hypothesis could also be correct. If the hypothesis is incorrect, then the cases will show no relationship between discriminatory legislation and migration.

Data will be collected from news articles, journal articles, and legislative texts. Based on the information presented by the data, the study will analyze the effects of discriminatory legislation on targeted populations with respect to whether migration was a resulting course of action for those discriminated against.

The primary anticipated issue was the availability of resources. Since the cases of Myanmar and India are currently unfolding, research is still being conducted and rigorous analyses were not always readily available. To circumvent this limitation, news articles were included in the dataset to provide more a detailed account of the events.

Data

The two countries that will be examined in the following case studies exemplify governments that deny specific groups citizenship on the basis of religion. As previously

outlined, discriminatory citizenship legislation strips the targeted groups of basic rights that those identified as citizens would be afforded.

Case 1: Myanmar

Myanmar is deeply acquainted with religious tension. As a Buddhist majority country, the government has viewed religious minorities with disdain and intolerance. Over several decades, disdain quickly turned into persecution. In the 1970s Myanmar's military began carrying out ethnic cleansing against the Rohingya, a Muslim minority.⁴⁶ The violence associated with ethnic cleansing never came to an end. Instead, it continued with a significant uptick in the summer of 2017, during which over 6,000 Rohingya were killed in retaliation for attacks on Myanmar's police by the Arakan Rohingya Salvation Army (ARSA).⁴⁷ ARSA claimed responsibility for the attacks on Myanmar's forces, and have stated that their use of violence is to protect the Rohingya from military attacks.⁴⁸

The atrocities waged against the Rohingya, unfortunately, go beyond and interact with the systemic violence. Some would posit that the refugee crisis currently unfolding today is a result of the Rohingya's lack of citizenship.⁴⁹ Provisions in Myanmar's constitution have rendered the Rohingya stateless as a product of being denied citizenship.⁵⁰ The 1982 Citizenship Law ensured that the Rohingya would not be considered citizens, let alone create a pathway for them to become citizens of a country

⁴⁶ Md. Al Siddiquee. "The Portrayal of the Rohingya Genocide and Refugee Crisis in the Age of Post-Truth Politics." *Asian Journal of Comparative Politics* 5, no. 2 (June 2020): 89. <https://doi.org/10.1177/2057891119864454>.

⁴⁷ Eleanor Albert and Lindsay Maizland. "The Rohingya Crisis." *Council on Foreign Relations*. (January 2020). <https://www.cfr.org/background/rohingya-crisis>

⁴⁸ Faisal Edroos. "ARSA: Who are the Arakan Rohingya Salvation Army?" News. Al Jazeera. Last modified September 13, 2017. <https://www.aljazeera.com/news/2017/9/13/arsa-who-are-the-arakan-rohingya-salvation-army>

⁴⁹ Archana Parashar, and Jobair Alam. 2019. "The National Laws of Myanmar: Making of Statelessness for the Rohingya." *International Migration* 57 (1): 94. doi:10.1111/imig.12532.

⁵⁰ John P. J. Dussich. "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar." *Journal of Victimology and Victim Justice* 1, no. 1 (July 2018): 6. <https://doi.org/10.1177/2516606918764998>.

that they had dwelled in for generations. The Rohingya were deliberately excluded from the Citizenship Law. Left with no path to citizenship, the Rohingya were also left with no state. Scholars have gone so far as to equate the leveraging of the law by Myanmar's officials with the prejudicial Nuremberg race laws enacted by the Nazis against Jews prior to World War II.⁵¹

Denial of citizenship has been in effect since the passage of the 1982 Citizenship Law.⁵² The Citizenship Law was created partly in response to the return of thousands of Rohingya from Bangladesh in 1978.⁵³ They had fled Myanmar because of the violent attacks waged by the Burmese army. Since the late 1700s, there have been seven major migratory flows of Rohingya to neighboring countries, and between 1982 and 2017, there have been three including the most recent ongoing exodus.⁵⁴

Rohingya are denied the right to legal documentation that demonstrates their citizenship even though many thousands of Rohingya families have lived in Myanmar for generations.⁵⁵ Myanmar's Buddhist majority views the Rohingya minority as illegal immigrants from Bangladesh because of their lack of citizenship documentation.⁵⁶ Provisions in the Citizenship Law mandated that individuals must possess a color-coded

⁵¹ Maung Zarni and Natalie Brinham. "Waves of Genocidal Terror against Rohingya by Myanmar and the Resultant Exodus Since 1978." Middle East Institute. Last modified November 14, 2017. <https://www.mei.edu/publications/waves-genocidal-terror-against-rohingyas-myanmar-and-resultant-exodus-1978>

⁵² Haque, Mahbubul Md. "Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma." *Journal of Muslim Minority Affairs* 37, no. 4 (2017): 103. <https://doi.org/10.1080/13602004.2017.1399600>

⁵³ "Discrimination in Arakan." Human Rights Watch. Accessed October 22, 2020. <https://www.hrw.org/reports/2000/burma/burm005-02.htm>

⁵⁴ "Historical Background." Human Rights Watch. Accessed October 22, 2020. <https://www.hrw.org/reports/2000/burma/burm005-01.htm>

⁵⁵ A. K. M. Ahsan Ullah. "Rohingya Crisis in Myanmar: Seeking Justice for the 'Stateless.'" *Journal of Contemporary Criminal Justice* 32, no. 3 (August 2016): 287. <https://doi.org/10.1177/1043986216660811>.

⁵⁶ Mahbubul Md. Haque. "Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma." *Journal of Muslim Minority Affairs* 37, no. 4 (2017): 467. <https://doi.org/10.1080/13602004.2017.1399600>

card that demarcates the status of citizenship.⁵⁷ Individuals belonging to the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan groups are designated as citizens under the law.⁵⁸ Unfortunately for the Rohingya, they are provided neither with a card nor an opportunity to obtain one, and are nowhere mentioned in the Citizenship Law.

As a result of the Rohingya's legally stateless status and the violence perpetrated by the military junta, many have been forced to migrate to find a better quality of life. For many Rohingya, migration is a mechanism for survival.⁵⁹ It has been observed that conflicts stemming from ethnic and religious tensions have served as factors for the Rohingya's migration.⁶⁰ Thousands of Rohingya have migrated to other countries in Southeast Asia, such as Thailand and Malaysia, and Bangladesh in Southcentral Asia.⁶¹ Figure 2 depicts the migratory flow of the Rohingya throughout Southeast and Southcentral Asia at various points in time with the most recent year of migration in 2017. Since the publication of the map, as many as 712,700 Rohingya migrated to Bangladesh by December 2019⁶² and 600,000 Rohingya remain in Myanmar vulnerable to extreme violence.⁶³

⁵⁷ Azlan Tajuddin. "Statelessness and Ethnic Cleansing of the Rohingyas in Myanmar: Time for Serious International Intervention." *Journal of Asia Pacific Studies* 4, no. 4 (2018): 429.

⁵⁸ International Labor Organization. Burma Citizenship Law.

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/87413/99608/F111836952/MMR87413.pdf>

⁵⁹ Idris Ali, Sk. Habibur Rahaman, and Muhammad HelalUddin. "Reasons for Continuous Forced Migration of Rohingya: An Explorative Study. *ASA University Review* 12, no. 1 (2018): 6.

⁶⁰ Nora McGann. "The Opening of Burmese Borders." Migration Information Source. *Migration Policy Institute*. Last modified February 20, 2013. <https://www.migrationpolicy.org/article/opening-burmese-borders-impacts-migration>

⁶¹ Kelly Staples. "Contemporary Statelessness: The Rohingya." In *Retheorising Statelessness: A Background Theory of Membership in World Politics*. Edinburgh: Edinburgh University Press, (2012): 139. <http://www.jstor.org/stable/10.3366/j.ctt3fgsgr.11>.

⁶² "Rohingya Humanitarian Crisis Response IOM Bangladesh Appeal." International Organization for Migration. Last modified December 2019. https://www.iom.int/sites/default/files/country_appeal/file/iom-cxb-appeal.pdf.

⁶³ "Myanmar Rohingya Await Justice, Safe Return 3 Years On." Human Rights Watch. Last modified August 24, 2020. <https://www.hrw.org/news/2020/08/24/myanmar-rohingya-await-justice-safe-return-3-years>.

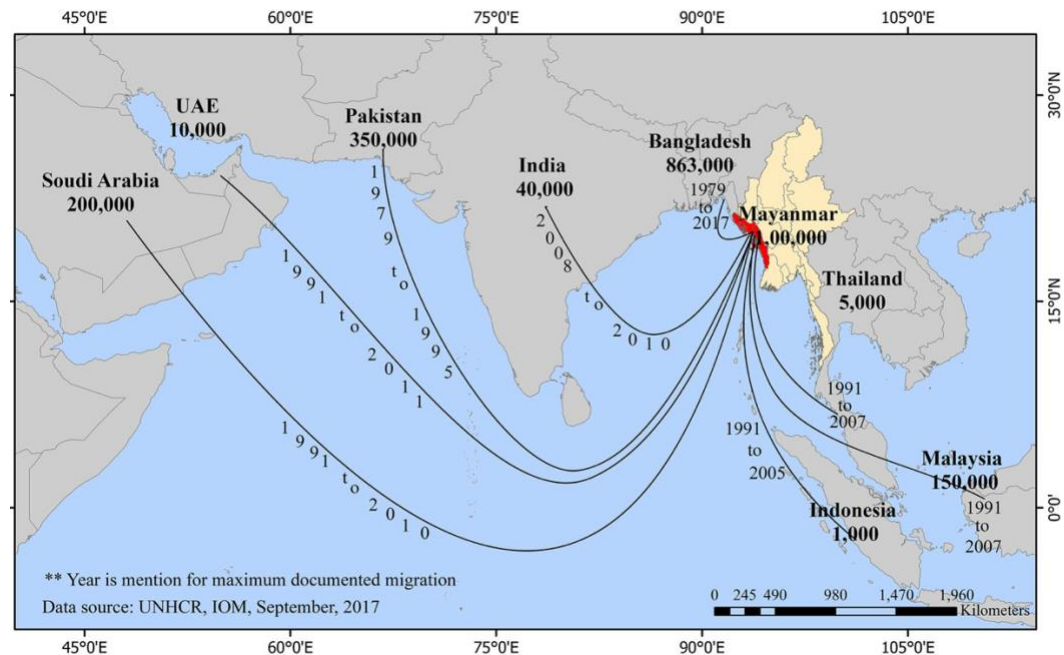


Figure 2: Map of Rohingya Migration Flows Throughout South Asia⁶⁴

Given that the largest wave of Rohingya migration began their exodus from Myanmar in 2017, it can be said that the extreme forms of violence, manifested as genocide and ethnic cleansing against the group, served as a push factor for their migration into other countries.

For over 30 years, the Rohingya have lived in Myanmar without citizenship and without the rights that accompany the status of recognized citizen. However, what would happen if the 1982 Citizenship Law was repealed and the Rohingya were granted citizenship? What would be the outcome? If the Rohingya were included as a protected group under Myanmar's constitution or under an amended citizenship law, then they would be entitled to protection from the state as citizens. According to both provisions under Article 2 of the United Nations Declaration on the Right and Responsibility of

⁶⁴ Meheub Sahana, Selim Jahangir, and MD Anisujjama. "Forced Migration and the Expatriation of the Rohingya: A Demographic Assessment of Their Historical Exclusions and Statelessness." *Journal of Muslim Minority Affairs* 39, no. 1, (March 2019): 47. <https://doi.org/10.1080/13602004.2019.1587952>

Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, it is the responsibility of the state to protect and guarantee human rights.⁶⁵ As non-citizens, the Rohingya have been stripped of the right to participate in politics, making it nearly impossible for them to pursue avenues to protect themselves from the violence or to amend the laws in place.

Conceivably, if the Rohingya were recognized as citizens, the military would not commit acts of violence, as it would likely face repercussions from the state. As protected citizens, persecution and the denial of rights could be nonexistent. However, it is also plausible that even with citizenship status and protection from the state, the Rohingya would continue to be discriminated against. As observed in other parts of the world, citizenship does not always translate into respect and nondiscrimination.

Even with citizenship and the protection of rights, violence against the Rohingya would still exist and the case for migration would also remain. The historical systemic intolerance the Buddhist majority has displayed toward the Rohingya is evidence that the deeply rooted hatred of the Rohingya is not likely to disappear. It can be concluded that the systemic violence and persecution against the Rohingya act as “push” factors for their migration elsewhere, as well as the denial of citizenship in the form of discriminatory legislation. Without the right to citizenship, the Rohingya cannot enjoy protection from the state nor the rights that come with being a citizen.

⁶⁵ United Nations Human Rights Office of the High Commissioner. “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.” 1998.
<https://www.ohchr.org/en/professionalinterest/pages/rightandresponsibility.aspx>

Case 2: India

The religious tension in India between Hindus and Muslims dates back to Partition and the founding of Pakistan. Since the late 1940s, India has been constitutionally secular. However, the current government's pursuit of several legislative acts indicates a shift toward religious politics. Though India is considered the world's largest democracy by population, the government is trending toward several undemocratic policies, one of which concerns citizenship. Instead of citizenship being determined and granted by birth within the state or a parent born within the state, in India, religion and identity are becoming determinants of citizenship.⁶⁶ Under Prime Minister Narendra Modi, India's political landscape has become increasingly nationalistic. Two pieces of legislation from the BJP-led Indian government will be examined in this case study, the National Register of Citizens (NRC) and the Citizenship Amendment Act (CAA). Both are aimed at controlling migration into India through the use of discriminatory practices.

Similar to the Rohingya in Myanmar, Muslims in Assam are viewed as illegal Bengali migrants. Tensions in Assam over illegal immigrants have been an issue that dates back to the early 1970s when Bangladesh gained independence from Pakistan and the issue has become increasingly political. The National Register of Citizens was created in 1951 as a mechanism to differentiate between an Indian citizen and an illegal migrant.⁶⁷ The most recently published version of the NRC was in 2019 and excludes about two million people, most of whom are either of Bengali descent or Muslim. Those

⁶⁶ Chetna Sharma. "Citizenship Amendment Bill 2016: continuities and contestations with special reference to politics in Assam, India." *Asian Ethnicity*, 20 no. 4 (2019): 522. DOI: [10.1080/14631369.2019.1601993](https://doi.org/10.1080/14631369.2019.1601993)

⁶⁷ "Assam NRC: What Next for 1.9 Million 'Stateless' Indians?" BBC News. Last Modified August 31, 2019. <https://www.bbc.com/news/world-asia-india-49520593>

two million individuals can go through a formal judicial process to appeal and prove citizenship.⁶⁸ However, this process is flawed and proving one's citizenship is an arduous process. The people who have been left off the NRC face an uncertain future. The Indian BJP-led government has yet to provide those excluded from the NRC with their "rejection slip" which allows the judicial appeals process to begin.⁶⁹ If the individuals who are left off the NRC are unable to find judicial recourse, they may be incarcerated or placed in detention camps.⁷⁰ Without possessing citizenship, a formal legal tie to the state, those two million people will be rendered stateless. They would not be designated as citizens and would, under the provisions of the law, be considered illegal immigrants. As such, they would have to migrate in order to find a location to reside legally.

The CAA amends the 1955 Citizenship Act. The amended version of the 2019 legislation states that if individuals belonging to the Hindu, Sikh, Buddhist, Jain, Parsi or Christian faiths arrived in India on or before December 31, 2014, they will not be considered illegal immigrants and the required years of residence needed to apply for citizenship will be brought down to six years rather than the traditional twelve.⁷¹ The rationale behind including these groups in particular is to provide protection from religious persecution.⁷² Notably, Muslims are not listed as one of these groups. The

⁶⁸ Rajeev Bhattacharyya. "Controversy Around a New Citizenship Register in Assam Festers." *The Diplomat*. Last modified September 5, 2020.

⁶⁹ Priyali Sur. "A Year After Rendering Millions Stateless, India Has Yet to Hear a Single Appeal." *Argument. Foreign Policy*. Last Modified September 10, 2020.
<https://foreignpolicy.com/2020/09/10/2-million-people-india-assam-stateless-year-nrc/>

⁷⁰ Saif Khalid. "India Publishes Final NRC: All You Need to Know on Citizens' List." *News. Al Jazeera*. Last modified August 31, 2019.
<https://www.aljazeera.com/news/2019/8/31/india-publishes-final-nrc-all-you-need-to-know-on-citizens-list>

⁷¹ Government of India & Ministry of Home Affairs. *The Citizenship (Amendment) Bill, 2019*. Amit Shah. Bill No. 370 of 2019.

⁷² Harrison Akins. "The Citizenship (Amendment) Act in India." *United States Commission on International Religious Freedom*, Washington, D.C, 2020.

argument for their exclusion is that individuals from Muslim-majority countries are religious minorities who have faced persecution or intolerance and India is providing refuge. However, Muslims in the region are also subject to religious persecution.

Approximately 40,000 Rohingya refugees have fled to India since 2017 because of religious persecution.⁷³ These refugees were not afforded the same sanctuary as other migrants and as many as 1300 Rohingya have left India to avoid violence⁷⁴ and in early 2019, several Rohingya had been deported out of India.⁷⁵

Many argue that by not including Muslims as one of the groups being offered a pathway to citizenship, the CAA violates India's constitution because it makes religion a prerequisite for citizenship.⁷⁶ Additionally, the CAA, according to the BJP government, will allow non-Muslims left off of the NRC to remain in India, however this is not a luxury afforded to the Muslim community.⁷⁷ By providing an easier path to citizenship for non-Muslims, India's government is working to create an India that is as devoid of a Muslim population as possible.⁷⁸

⁷³ Meenakshi Ganguly. "Rohingya Refugees Caught Between India and a Hard Place." *The Diplomat* last modified February 2, 2019. <https://thediplomat.com/2019/02/rohingya-refugees-caught-between-india-and-a-hard-place/>

⁷⁴ Faisal Mahmud. "They Threatened to Kill Us If We Didn't Leave India: Rohingya." *Features*. Al Jazeera. Last modified January 23, 2019. <https://www.aljazeera.com/features/2019/01/23/they-threatened-to-kill-us-if-we-didnt-leave-india-rohingya/>

⁷⁵ Das, Krishna N. "Hundreds of Rohingya Families Flee India After Deportations." *Emerging Markets*. Reuters. Last modified January 17, 2019. <https://www.reuters.com/article/us-myanmar-rohingya-india/hundreds-of-rohingya-families-flee-india-after-deportations-idUSKCN1PB1GS>

⁷⁶ Sudha Ramachandran. "Hindutva Violence in India: Trends and Implications." *Counter Terrorist Trends and Analyses* 12, no. 4 (2020): 15-20. Accessed December 1, 2020. doi:10.2307/26918077.

⁷⁷ "Citizenship Amendment Bill: India's New 'Anti-Muslim' Law Explained." *BBC News*. Last modified December 11, 2019.

<https://www.bbc.com/news/world-asia-india-50670393> and Harrison Akins. "The Citizenship (Amendment) Act in India." *United States Commission on International Religious Freedom*, Washington, D.C., 2020.

⁷⁸ Billy Perrigo. "India's Government Wants to Block Some Muslims from Citizenship. Here's What to Know About a Controversial New Bill." *India*. *TIME*. Last modified December 10, 2019. <https://time.com/5746688/india-citizenship-amendment-bill/>

As observed in the case of the Rohingya, a lack of citizenship heightens the vulnerability of groups already discriminated against because they have no mechanism for protection. The state would traditionally be the system to provide vulnerable groups with protection, however for Muslims in India, it is quite the opposite. Since the passage of the CAA, there has been a wave of violence. Hate crimes against Muslims have become prevalent, a trend under the Prime Minister Modi's administration.⁷⁹

Yet not all Indians support the CAA. There has been a considerable amount of sustained pushback against the CAA. Protestors have taken to the streets to decry the legislation. Peaceful protests throughout India brought Indians of various backgrounds together to condemn the legislation.⁸⁰ Lawyers are focusing their efforts on finding ways to assist those who will be most affected by the law.⁸¹ Muslims in India benefit from living in a democratic society in which not all of the population succumbs to prejudices and instead seeks ways to remedy the situation. They are not alone in their fight against discrimination and although they are at risk of losing their citizenship, there are options for recourse. If the hypothesis is correct, it could be expected to observe migration within the coming years.

Though there are currently no documented signs of increasing migration after the passage of the Citizenship Amendment Act, it is probable. Individuals in Assam left off

⁷⁹ Rana Ayyub. "What a Rising Tide of Violence Against Muslims in India Says About Modi's Second Term." India. TIME. Last modified June 28, 2019. <https://time.com/5617161/india-religious-hate-crimes-modi/>

⁸⁰ "Shoot the Traitors' Discrimination Against Muslims under India's New Citizenship Policy." Human Rights Watch. Last modified April 9, 2020. <https://www.hrw.org/report/2020/04/09/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>

⁸¹ Upmanyu Trivedi. "Modi's New India Citizenship Law Sparks Panic and Protests." Politics. Bloomberg. Last modified December 8, 2019. <https://www.bloomberg.com/news/articles/2019-12-08/modi-s-new-citizenship-law-sparks-fear-panic-and-protests>

of the NRC or excluded from the CAA could face detention or deportation.⁸² As of late 2019, 10 mass detention centers were under construction for this very purpose.⁸³ Given that those deemed non-citizens by the CAA and NRC would either be detained or deported, migration arises as a viable alternative option. Voluntary migration could be a means to avoid incarceration and forced migration. Though in the end, individuals placed in the detention camps could be forcibly removed from India by the government, resulting in another mass migration in Southeast Asia.⁸⁴ Beyond the construction of the detention camps, there does not appear to be an in-depth plan for the millions of Muslims in India who are at risk for becoming stateless. There is a general lack of clarity on the fate of India's Muslims, which adds to the concern. Petitions from domestic and international actors have been filed with India's Supreme Court questioning the constitutionality of the Citizenship Amendment Act, however a final ruling has yet to be passed down.⁸⁵ Even more troublesome, the government of India has indicated that it intends to enact a nationwide register of citizens, which many worry will continue to target the Muslim population but on a much grander scale.⁸⁶

⁸² Suparna Chaudhry. "India's New Law May Leave Millions of Muslims Without Citizenship." The Washington Post. Last modified December 13, 2019. <https://www.washingtonpost.com/politics/2019/12/13/indias-new-law-may-leave-millions-muslims-without-citizenship/>

⁸³ Sigal Samuel. "India's Massive, Scary New Detention Camps, Explained." Vox. Last modified September 17, 2019. <https://www.vox.com/future-perfect/2019/9/17/20861427/india-assam-citizenship-muslim-detention-camps>

⁸⁴ Ibid

⁸⁵ "Shoot the Traitors' Discrimination Against Muslims under India's New Citizenship Policy." Human Rights Watch. Last modified April 9, 2020. <https://www.hrw.org/report/2020/04/09/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>

⁸⁶ "India to Implement Nationwide Citizenship Count." News. Al Jazeera. Last modified November 20, 2019. <https://www.aljazeera.com/news/2019/11/20/india-to-implement-nationwide-citizenship-count>

Discussion

Explanation of Results

The relationship between citizenship and migration is extremely close. Citizenship establishes a formal relationship between an individual and the state. Migration is the movement of individuals beyond their place of residence. The Rohingya in Myanmar are *de jure* stateless and those left off of the NRC in India face the same fate as their Rohingya counterparts. The relationships that do exist are contentious and often violent. This study demonstrates that the Rohingya and Muslim populations have no place of residence because of citizenship laws currently in place or about to be enacted. Given these conditions, it can be expected that migration would occur when there is neither a connection nor protection nor recognition of a group by the state. Though this study did not draw a causative relationship between discriminatory citizenship legislation and migration, it does conclude that there is a positive connection between the two based on Myanmar and India's case studies. When the state makes a deliberate effort to exclude specific individuals or groups and strips them of any sense of belonging, migration, whether forced or voluntary, is likely to occur. This likelihood is due to the lack of state protection and the designation of “illegal” status these groups experience. However, the legislation does not bear sole responsibility for migration.

Although an escape from violence appears to be the motivating factor for the Rohingya migration, the denial of citizenship also plays a role. It seems that a lack of citizenship is part of a larger issue of discrimination. The absence of ties to the state serves as a “push” factor for migration in the Rohingya case in Myanmar. The lack of citizenship in Myanmar was a critical contributing cause of the migration crisis. During the previous waves of migration out of Myanmar, violence was the main push factor. It

was when the Citizenship Law was passed in 1982 under General Ne Win did citizenship come to the forefront. Migration in Myanmar did not necessarily change either before or after 1982. Before the 1982 Citizenship Law, there were several waves of Rohingya migration; however, the reason behind these migrations was primarily due to violence as the migratory flows in the 1970s, 1990s, and late 2010s demonstrate.⁸⁷ Though migration post-1982 was mainly due to Myanmar's army's increased violence, citizenship also became a significant factor. Without the protections of the state that citizens are afforded, the Rohingya were vulnerable to attack.

If the Rohingya were to return to Myanmar tomorrow, there would more likely than not be a continuation of violence and discrimination. Yet, the Rohingya are not fleeing to a better situation, resulting in an even more complex situation to navigate. Those that migrate to Bangladesh are placed in overcrowded refugee camps in a country that does not have the means to support such a large number of refugees. If Rohingya migrate to other states in South Asia, it is often by a dangerous maritime route, where they risk death or being captured and forced into human trafficking.

Extrapolating for the Muslim population in India, based on observations in Myanmar, this study predicts that similar migration flows out of India are likely.⁸⁸ India's Muslim population is already experiencing acts of violence and discrimination with little recourse from the government. Detentions and deportations are anticipated as the BJP-led government continues its suppression measures on the Muslim population. Violence

⁸⁷ "Historical Background." Human Rights Watch. Accessed October 22, 2020. <https://www.hrw.org/reports/2000/burma/burm005-01.htm>

⁸⁸ Sigal Samuel. "India's Massive, Scary New Detention Camps, Explained." Vox. Last modified September 17, 2019. <https://www.vox.com/future-perfect/2019/9/17/20861427/india-assam-citizenship-muslim-detention-camps>

against Muslims in India has already begun. If India continues on the path that it is on, the world could witness one of the largest displacements and subsequent migrations in recent history.

The possibility for return or reform is effectively minimized when the discriminatory citizenship remains in place and when intolerant sentiment toward targeted groups is present and deeply rooted. Both Myanmar and India have long histories of prejudice against Muslims. In India, violent intolerance toward Muslims can be traced back to Partition in 1947 and beyond. For the Rohingya, persecution dates back to the 1700s. The solutions required to address this problem go beyond inclusive citizenship legislation. Government and public sentiment need to change in order for Muslims to feel safe and included in these states. As the results demonstrated, the refusal to acknowledge individuals as citizens and to grant them legal citizenship is a symptom of a larger problem. A single factor does not appear to be the reason for migration. Instead, an amalgamation of reasons, including discriminatory citizenship legislation, has led to migration.

Possible Alternative Explanations

Migration within British-mandated India had a lasting impact on both Indian and Burmese societies.⁸⁹ Hein offers the opinion that the British preoccupation with nation and race and how both played a role in recognizing citizenship impacted India and Myanmar beyond the years of occupation. Indeed, this fixation on race and religion shaped modern societies and is evident in the actions of the governments of India and

⁸⁹ Patrick Hein. "The Re-Ethnicisation of Politics in Myanmar and the Making of the Rohingya Ethnicity Paradox." *India Quarterly* 74, no. 4 (December 2018): 366. <https://doi.org/10.1177/0974928418802072>.

Myanmar. Prejudices, not citizenship legislation could be the more powerful determinant of migration. The biases that the governments have against Muslim individuals within their respective states could be viewed as the reason for the legislation and subsequently migration.

There is also the possibility that the hypothesis is backward. In both cases, it could be postulated that migration led to discriminatory citizenship and not the other way around. India's Citizenship Amendment Act and the actions in Assam are clear indications that this could very well be the case since Muslims living in India and Assam are often regarded as illegal Bengali migrants. Similarly, in Myanmar, there is a long history of Rohingya being viewed as illegal migrants from Bangladesh. It could be posited that the citizenship legislation both countries enacted are responses to migration. However, migration flows are present both before and after the legislation is passed, indicating the relationship between citizenship legislation and migration is not fixed.

Significance of Findings

This study has demonstrated the impact of formalized discrimination, as expressed through citizenship legislation, on migration trends in South Asia. As discussed, previously conducted studies acknowledged some aspects of this topic, but little to no research was conducted specifically on the relationship between citizenship legislation and migration. This study's findings have helped to highlight the importance of citizenship status and the factors that contribute to migration. As this study demonstrates, there is a need for more specific and specialized research in migration studies. This study could be used as a steppingstone for future research into the

Citizenship Amendment Act's effects, with a particular focus on migration, since it is an ongoing issue.

An answer to the research question is not as simple as initially thought. A myriad of factors exists in the relationship between discriminatory citizenship legislation and migration. If the results demonstrate anything, it is that there is no clear-cut observable path from A to B. Citizenship legislation does not directly lead to migration, and migration does not directly lead to discriminatory citizenship legislation. The connection between citizenship legislation and migration are reflective of underlying issues that co-occur, making specifics difficult to parse out.

The discrimination of the Rohingya and of Muslims living in India demonstrates a growing trend in global politics. Religiously based legislation is being enacted around the world. An embrace of identity politics establishes the possibility for more legislation similar to the Citizenship Amendment Act and Myanmar's 1982 Citizenship Law in the near future. Evidence of this is already observed in the United States' "Muslim ban," an Executive Order signed by President Donald Trump, which prohibits individuals from predominantly Muslim countries from traveling to the United States. Greater global awareness of this trend is necessary in order to combat this burgeoning reality.

Unanswered Questions

Perhaps the most glaring question left unanswered surrounds the fate of both Muslims living in India and the displaced Rohingya. As previously discussed, there is no plan guaranteed to be safe for the Rohingya to return to Myanmar, and little has been considered about the future of Muslims living in India. The ambiguity of millions of

individuals' fate is deeply troubling not only for their lives but also for the implications it has for the region.

Over four million people are at risk of not possessing legal citizenship and will need to find another place to live. Bangladesh has been the most popular destination for Rohingya and has already become an option for Muslims in India.⁹⁰ The strain that this would put on Bangladesh cannot be understated. Bangladesh is the eighth-most populous country in the world and faces political instability and weak infrastructure. The lack of resources in Bangladesh indicates that it will not sustain additional influxes of migrants and refugees. International action will likely be necessary to address this problem, as it possesses the potential to impact states and individuals beyond Bangladesh's borders.

Conclusion

In the past decade, there has been an uptick in both migration and nationalism. Governments around the world are passing legislation that denies minority groups of the right to citizenship. Since the two are cooccurring, it is imperative to understand their connection. This research study sought to discern the parameters of this relationship and to ascertain how they interact. Both Myanmar and India have denied Muslims in their countries citizenship. Mass exoduses of Rohingya have occurred and Muslim migration out of India seems to be on the horizon. But did the legislation cause the migration? This research study concludes that while discriminatory citizenship legislation did play a role in migration, it was not the exclusive cause. Prejudices that are deeply embedded into the

⁹⁰ Krishna N Das. "Hundreds of Rohingya Families Flee India After Deportations." Emerging Markets. Reuters. Last modified January 17, 2019. <https://www.reuters.com/article/us-myanmar-rohingya-india/hundreds-of-rohingya-families-flee-india-after-deportations-idUSKCN1PB1GS>

histories of Myanmar and India are a significant factor within the relationship as is violence perpetrated by the state.

Avenues for future research could include a comparative examination into the factors for migration in democratic and non-democratic nations and whether the structure of the state plays a role. A study comparing the experience of the Rohingya to the experience of the Karen, who are recognized citizens yet also face discrimination, could be conducted to further analyze the role of citizenship. Another related area for future research would be to examine the extent to which colonial legacy plays a role in nationalistic ideology and discriminatory legislation. Understanding why and how the denial of citizenship occurs can assist in efforts to address this injustice.

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Curriculum Vita

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